

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Harness Racing

Penalties

Proposed Amendment: N.J.A.C. 13:71-2.3

Authorized By: New Jersey Racing Commission, Frank Zanzuccki, Executive Director

Authority: N.J.S.A. 5:5-30

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2003-373

Submit written comments by November 14, 2003 to:

Frank Zanzuccki, Executive Director  
New Jersey Racing Commission  
P.O. Box 088, 140 East Front Street  
Trenton, New Jersey 08625

The agency proposal follows:

**Summary**

The Racing Commission is interested in obtaining public comment on the proposed amendment concerning its rule regarding the amount of fines the steward, board of judges and Racing Commission can impose. Under the current rules, the steward and board of judges may not impose a fine in excess of \$500.00. The Racing Commission cannot impose a fine in excess of \$5,000. The proposed amendment to N.J.A.C. 13:71-2.3 would increase the maximum fine amount which could be imposed against the licensees, by the steward and board of judges to \$5,000 and the Racing Commission to \$50,000. There is no statutory limit to the monetary penalties which the Racing Commission may impose. The board of judges are being added to the language of the rule to clarify the current structure of the racing officials.

As the Commission has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The proposed amendment will have a positive influence on the integrity of racing, by providing the stewards, and Racing Commission with greater flexibility to adequately punish licensees who commit serious violations of the Commission's rules and regulations. The primary purpose of imposing penalties for violations is to deter misconduct and punish offenders at appropriate levels. The current fine limitations have been in effect since 1982, and no longer adequately penalize offenders. Additionally, all of the monetary penalties imposed by the Commission are allocated to the Backstretch Benevolence Fund, which provides for programs that promote the health, safety and welfare of stable employees.

### **Economic Impact**

The proposed amendment has no economic impact on the general public. However, increasing monetary fines will deter violations and thereby enhance public confidence. It is anticipated that as a result of enhancing public confidence, wagering on races will increase, producing increased revenue to the racetracks, horsemen, ancillary businesses and the State. In addition, the proposed amendment may have an economic impact on those who violate Commission rules and are assessed penalties by increasing the maximum amount that may be assessed, depending on the particular facts and circumstances of each case.

### **Federal Standards Statement**

A Federal standard analysis is not required because the rules of racing are dictated by State statute, N.J.S.A. 5:5-22 et seq. and the proposed amendment is not subject to any Federal requirements or standards.

### **Jobs Impact**

The proposed amendment will not have an effect on the work force in the State.  
No jobs will be generated or lost as a result of the amendment taking effect.

### **Agriculture Industry Impact**

The proposed amendment will not have an impact on the agriculture industry in the State.

### **Regulatory Flexibility Statement**

The proposed amendment imposes no reporting, recordkeeping or compliance requirements on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et.seq. The proposed amendment imposes no compliance requirement, but increases the amount of fines the Racing Commission, board of judges and stewards may impose.

### **Smart Growth Impact**

The proposed amendment is not anticipated to have an impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan as defined under Executive Order No. 4 (2002).

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]:

#### **13:71-2.3 Penalties**

- (a) The penalties for violation of the law or the rules of the Commission shall be as follows:
1. (No change.)
  2. Monetary fines not exceeding [\$5,000] \$50,000 for each violation. The steward[s] and board of judges may not impose directly a fine in excess of [\$500.00] \$5,000

3. - 6. (No change.)

(b) (No change.)